

**FCC MAIL SECTION**  
**Before the**  
**Federal Communications Commission**

**Washington, D.C. 20554**  
**FEB 14 3 56 PM '94**

**MM Docket No. 93-208**  
**DISPATCHED BY**

In the Matter of

Amendment of Section 73.202(b),	RM-8281
Table of Allotments,	RM-8346
FM Broadcast Stations.	RM-8347
(Keno, Bonanza, Merrill, Malin	RM-8348
and Lakeview, Oregon) <sup>1</sup>	RM-8349

**REPORT AND ORDER**  
**(Proceeding Terminated)**

**Adopted: January 31, 1994; Released: February 11, 1994**

By the Acting Chief, Allocations Branch:

1. At the request of Brett E. Miller ("Miller"), the Commission has before it the *Notice of Proposed Rule Making*, 8 FCC Rcd 4930 (1993), proposing the allotment of Channel 253A to Keno, Oregon, as the community's first local FM service. Petitioner filed comments reiterating his intention to apply for the channel, if allotted.<sup>2</sup> Counterproposals were filed by Goldrush Broadcasting ("Goldrush"), Big Tree Broadcasting ("Big Tree"), The Jesuit Mission ("Jesuit Mission") and Contour Communications ("Contour").<sup>3</sup>

2. In the *Notice*, Miller was requested to furnish sufficient information to support a finding that Keno is a community for allotment purposes since it is not listed in the U.S. Census. In response, petitioner states that Keno is not incorporated but is listed in the U.S. Census Bureau as a Census County Division ("CCD") with a population of 2,550 persons. It goes on to state that Keno is identified as a community on various maps and atlases, including the AAA Road Atlas, aeronautical charts and United States Geological Survey maps. Further, it points out that Keno has its own post office, fire department and a number of businesses and churches, several of which identify themselves with the community of Keno, such as the Keno Bakery, Keno Garage, Keno Realty, Keno Rock Products, Keno Grocery Store, Keno Water Company, Maria's of Keno, Keno Christian Church and Keno Open Bible Community Church.

3. Four counterproposals to the allotment of Channel 253A at Keno were received. Goldrush requests the allotment of Channel 253A to the incorporated city of Bonanza, Oregon, as its first local FM service (RM-8346). Big Tree seeks the allotment of Channel 253A to the incorporated community of Merrill, Oregon, as its first local FM

service (RM-8347). Jesuit Mission seeks the allotment of Channel 253A to the incorporated community of Malin, Oregon, as its first local FM service (RM-8348). Contour requests the allotment of Channel 253C2 to Lakeview, Oregon, as its second local FM service (RM-8349). Each of the proponents has stated its intention to apply for their respective channels, if allotted. All of the proposals under consideration herein are mutually exclusive with each other as none of the communities are 115 kilometers apart as required for co-channel Class A allotments.

4. After reviewing the pleadings before us, we believe the public interest would be served by providing Keno, Bonanza, Merrill and Malin with their first local FM transmission services and Lakeview with its first competitive FM transmission service. We also find that Miller has provided sufficient evidence that Keno qualifies as a community for allotment purposes. It has its own post office and fire department as well as religious institutions and businesses which identify themselves with Keno. Further, a staff engineering study shows that all of the requests can be accommodated since alternate channels are available for each of the communities for which counterproposals were filed.

**Technical Summary**

5. Channel 253A can be allotted to Keno in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates 42-07-30; 121-55-42. Channel 237C2 can be allotted to Lakeview without the imposition of a site restriction, at coordinates 42-11-24; 120-21-00. Channel 275A can be allotted to Bonanza without the imposition of a site restriction, at coordinates 42-12-00; 121-24-00. Channel 289A can be allotted to Merrill without the imposition of a site restriction, at coordinates 42-01-24; 121-36-00. Channel 263A can be allotted to Malin without the imposition of a site restriction, at coordinates 42-00-36; 121-24-24.

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective **March 28, 1994**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
Bonanza, Oregon	275A
Keno, Oregon	253A
Lakeview, Oregon	228C3, 237C2
Malin, Oregon	263A
Merrill, Oregon	289A

7. The window period for filing applications will open on March 29, 1994, and close on **April 28, 1994**.

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

<sup>1</sup> The communities of Bonanza, Merrill, Malin and Lakeview have been added to the caption.

<sup>2</sup> In the *Notice* it was stated that the petitioner had failed to comply with Section 1.52 of the Commission's rules because an affidavit verifying that the statements contained in his petition

were accurate to the best of his knowledge was not included in the petition. He has corrected this omission in his comments.

<sup>3</sup> Public Notice of the filing of the counterproposals was given on September 27, 1993, Report No. 1972.

9. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Acting Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau